

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE OR CHANGE

Complete and Return to: State of Utah Division of Administrative Rules (DAR) 3120 State Office Building; 450 North Main PO Box 141007 Salt Lake City, UT 84114-1007 Phone: (801) 538-3218, FAX: (801) 538-3844 State E-mail: asitmain.rules	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td>DAR File No.:</td><td>17283</td></tr><tr><td>Utah Admin. Code Ref.:</td><td>R156-37</td></tr><tr><td>Date Filed:</td><td>11/30/95</td></tr><tr><td>Time Filed:</td><td>15:27</td></tr><tr><td>Received by:</td><td>NL</td></tr></table>	DAR File No.:	17283	Utah Admin. Code Ref.:	R156-37	Date Filed:	11/30/95	Time Filed:	15:27	Received by:	NL										
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<p>(Interested persons may inspect this rule/change at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days)</p>																					
1. Title of Rule or Section: Controlled Substance Act Rules of the Division of Occupational and Professional Licensing																					
2. Type of Notice: <table style="width: 100%;"><tr><td style="width: 30%;">Proposed Rules</td><td style="width: 10%;"><input type="checkbox"/> New</td><td style="width: 10%;"><input type="checkbox"/> Amend</td><td style="width: 10%;"><input type="checkbox"/> Repeal</td><td style="width: 40%;"></td></tr><tr><td></td><td><input type="checkbox"/> Repeal and Enact</td><td colspan="3">(Approved by Director of DAR on (mm/dd/yy): <input style="width: 100px;" type="text"/>)</td></tr><tr><td>Other Rule Types</td><td><input checked="" type="checkbox"/> Change in Proposed Rule</td><td colspan="3">(Changes "Proposed Rule" File No.: <input style="width: 100px;" type="text"/> 17283)</td></tr><tr><td></td><td><input type="checkbox"/> 120-Day (Emergency) Rule</td><td colspan="3">(Designated Effective Date (mm/dd/yy): <input style="width: 100px;" type="text"/>)</td></tr></table> <p>(Use electronic form "r-5yrrvw.wpt" for a Five-Year Review/Continuation or "r-nonsub.wpt" for a Nonsubstantive Change)</p>		Proposed Rules	<input type="checkbox"/> New	<input type="checkbox"/> Amend	<input type="checkbox"/> Repeal			<input type="checkbox"/> Repeal and Enact	(Approved by Director of DAR on (mm/dd/yy): <input style="width: 100px;" type="text"/>)			Other Rule Types	<input checked="" type="checkbox"/> Change in Proposed Rule	(Changes "Proposed Rule" File No.: <input style="width: 100px;" type="text"/> 17283)				<input type="checkbox"/> 120-Day (Emergency) Rule	(Designated Effective Date (mm/dd/yy): <input style="width: 100px;" type="text"/>)		
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3. Reason for Rule or Change: After a public hearing, public comment, and Division review, it was found that the proposed rule change supports the research conducted on the use of Schedule IV controlled substances for weight reduction/control to prevent health risks.																					
4. This change is a response to comments by the Administrative Rules Review Committee. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																					
5. Summary of Rule or Change: Added back into the rules that a person seeking a controlled substance license must also be currently licensed in the appropriate professional license classification identified in R156-37-301. Changed that a practitioner shall not prescribe, dispense or administer a Schedule III controlled substances for purposes of weight reduction or control. Changed that a prescribing practitioner may prescribe, dispense or administer only a Schedule IV controlled substance in treating excessive weight leading to increased health risks when certain conditions are met.																					
6. Justification for a 120-Day (Emergency) Rule (Section 63-46a-7). Regular rulemaking would: <table style="width: 100%;"><tr><td style="width: 30px;"><input type="checkbox"/></td><td>cause an imminent peril to the public health, safety, or welfare;</td></tr><tr><td><input type="checkbox"/></td><td>cause an imminent budget reduction because of budget restraints or federal requirements; or</td></tr><tr><td><input type="checkbox"/></td><td>place the agency in violation of federal or state law.</td></tr></table> <p>Explain:</p>		<input type="checkbox"/>	cause an imminent peril to the public health, safety, or welfare;	<input type="checkbox"/>	cause an imminent budget reduction because of budget restraints or federal requirements; or	<input type="checkbox"/>	place the agency in violation of federal or state law.														
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7. Cost or Savings Impact of Rule (Subsection 63-46a-4(3)(d)): State Budget: None. Local Government: None. Individuals: None.																					
8. Compliance Costs for Affected Persons (Subsection 63-46a-4(3)(e)): None. <small>("Person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency (Subsection 63-46a-2(10).)</small>																					
9. Rule authorized or required by (see Subsection 63-46a-4(3)(c)): State Code or Constitution: Citation: Subsection 58-37-6(1) Federal Mandate: Citation:																					
10. Rule Adds or Updates an Incorporated Reference: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Reference: <input style="width: 100px;" type="text"/> <small>(Subsection 63-46a-4(7) requires agencies to submit a copy of materials incorporated by reference.)</small>																					
11. The public may submit written or oral comments to the responsible agency. Comments will be accepted until 5:00 p.m. on (mm/dd/yy): <input style="width: 100px;" type="text"/> 01/16/96																					

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A public hearing (optional) will be held on (mm/dd/yy): <input style="width: 100px;" type="text"/>		at (time): <input style="width: 100px;" type="text"/>	
at (place): <input style="width: 800px;" type="text"/>			
(The public may request a hearing in accordance with Subsection 63-46a-5(2)(b).)			
12. This rule or change may become effective on (mm/dd/yy):		<input style="width: 100px;" type="text" value="01/16/96"/>	
13. Indexing Information-State and/or Federal Citations: Subsection 58-1-106(1)			
14. Indexing Information-Keywords (maximum of four): controlled substances, licensing			
15. Enter filename of the file containing this rule's FULL text (Example: rxxx-xxx.wpd).		<input style="width: 150px;" type="text" value="R156-037.283"/>	
(All rule text must be in code format.)			
The full text of all proposed administrative rules or rule changes is published in the <i>Utah State Bulletin</i> unless excluded because of length (in which case the text may be inspected at DAR (see Subsection 63-46a-4(2)(c)(ii)))			
AGENCY AUTHORIZATION			
Agency Head or Designee:		<input style="width: 300px;" type="text" value="J. Craig Jackson, Director"/>	Date (mm/dd/yy): <input style="width: 100px;" type="text" value="11/30/95"/>